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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,444	07/03/2007	Janet Boggs	CT0014USPCT4	5364
23906 7590 01/22/2010 E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1122B 4417 LANCASTER PIKE WILMINGTON, DE 19805				
EXAMINER MRUK, BRIAN P				
ART UNIT 1796		PAPER NUMBER		
NOTIFICATION DATE 01/22/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-Legal.PRC@usa.dupont.com

Office Action Summary

Application No.

10/587,444

Applicant(s)

BOGGS ET AL.

Examiner

Brian P. Mruk

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-5 and 7-36 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Upon careful consideration, it has been determined that the previous Election/Restriction made by the examiner was incorrect. Specifically, it has been determined by the examiner that instant claims 1-5 and 7-36 **contain two distinct species (i.e. the variables R_f and Q_s), which both require an election**. Accordingly, the previous Election/Restriction made by the examiner in Paper No. 20090826 is hereby **vacated** in favor of the following new Election/Restriction.

2. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

1) **For independent claim 1**, the following species exist for the variable R_f :

- A) R_f is the structure represented in claim 20 (minus Q_s);
- B) R_f is the structure represented in claim 21 (minus Q_s);
- C) R_f is the structure represented in claim 22 (minus Q_s);
- D) R_f is the structure represented in claim 23 (minus Q_s);
- E) R_f is the structure represented in claim 24 (minus Q_s);
- F) R_f is the structure represented in claim 25 (minus Q_s);
- G) R_f is the structure represented in claim 26 (minus Q_s);

- H) R_f is the structure represented in claim 27 (minus Q_s);
- I) R_f is the structure represented in claim 28 (minus Q_s);
- J) R_f is the structure represented in claim 29 (minus Q_s);
- K) R_f is the structure represented in claim 30 (minus Q_s);
- L) R_f is the structure represented in claim 31 (minus Q_s);
- M) R_f is the structure represented in claim 32 (minus Q_s);
- N) R_f is the structure represented in claim 33 (minus Q_s);
- O) R_f is the structure represented in claim 34 (minus Q_s);
- P) R_f is the structure represented in claim 35 (minus Q_s);

2) **For independent claim 1**, the following species exist for the variable **Q_s** :

- A) Q_s is the structure represented in claim 13 (minus R_f);
- B) Q_s is the structure represented in claim 14 (minus R_f);
- C) Q_s is the structure represented in claim 15 (minus R_f);
- D) Q_s is the structure represented in claim 16 (minus R_f);
- E) Q_s is the structure represented in claim 17 (minus R_f);
- F) Q_s is the structure represented in claim 18 (minus R_f);
- G) Q_s is the structure represented in claim 19 (minus R_f);

3. Applicant is required, in reply to this action, **to elect a single species for each of the variables R_f and Q_s** to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must **also identify the claims readable on the**

elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

4. The following claim(s) are generic: Claims 1-4 and 36 are generic to all of the claims. Claim 5 is generic to claims 20-35. Claim 7 is generic to claims 34 and 35. Claim 8 is generic to claims 34 and 35. Claim 9 is generic to claims 20, 22-29 and 32-35. Claim 10 is generic to claims 22-24, 26-29, 32 and 33. Claim 11 is generic to claims 26, 27, 32 and 33. Claim 12 is generic to claims 20-35.

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Prior art that would anticipate or render obvious one of the possibilities for the combination of species R_F-Q_S would not necessarily anticipate or render obvious the other species.

6. A telephone call was made to Anthony Chi on January 15, 2010 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention for **each of the variables R_f and Q_s** to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Mon-Thurs (7:00 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian P Mruk
January 16, 2010

/Brian P Mruk/
Primary Examiner, Art Unit 1796

Brian P Mruk
Primary Examiner
Art Unit 1796